



01-08-04

Receipt

EXPRESS MAIL NO.: EL615430793US

FILE COPY

DATE MAILED: January 6, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

William PENDERGAST, et al.

Appl. No. 10/007,451

Filed: November 6, 2001

For: CERTAIN DINUCLEOTIDES AND
THEIR USE AS MODULATORS OF
MUCOCILIARYU CLEARANCE AND
CILIARY BEAT FREQUENCY

Art Unit: 1623

Examiner: Not Yet Assigned

Atty. Docket: 03678.0022.CNUS02

Request for Corrected Official Filing Receipt

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Sir:

Applicants hereby requests that a corrected Official Filing Receipt be issued and sent to the undersigned representative. Specifically, the following corrections to the Official Filing Receipt are requested:

Domestic Priority data as claimed by applicant (SHOULD READ AS FOLLOWS):

This application is a con of 09/101,395 07/10/1998

which is a 371 of PCT/US98/02702 02/06/1998

which claims the priority of 08/798,508 02/10/97, now U.S. Pat. No. 5,837,861; and
08/797,472 02/6/97, now U.S. Pat. No. 5,900,407.

In support of the above request, a photocopy of the instant Official Filing Receipt is enclosed with the corrections noted in red. It is therefore believed proper that a corrected Official Filing Receipt be issued, reflecting the correction of all the above-noted error(s). It is further

requested that the corrected Official Filing Receipt be sent to the undersigned at the earliest possible time.

It is submitted that this submission is necessitated as a result of an error by the U.S. Patent and Trademark Office. Therefore, it is believed that no fees are due in connection with this submission. However, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to **Deposit Account No. 08-3038**, referencing docket number 03678.0022.CNUS02.

Respectfully submitted,

Date: January 6, 2004



Albert P. Halluin, Reg. No. 25,227
Viola T. Kung, Reg. No. 41,131

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Box No. 34
Menlo Park, CA 94025
Ph. (650) 463-8109
Ph. (650) 463-8181

Enclosure

O I P E
JAN 06 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/007,451	11/06/2001	1623	510	03678.0022.CNUS02		11	2

27194
 HOWREY SIMON ARNOLD & WHITE, LLP
 BOX 34
 301 RAVENSWOOD AVE.
 MENLO PARK, CA 94025

RECEIVED

FEB 05 2002

Howrey - SV

Date Mailed: 01/28/2002

CONFIRMATION NO. 3706
 FILING RECEIPT

OC000000007370117

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

William Pendergast, Durham, NC;
 Benjamin R. Yerxa, Raleigh, NC;
 Janet L. Rideout, Raleigh, NC;
 Suhaib M. Siddiqi, Raleigh, NC;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/101,395 07/10/1998
 WHICH IS A 371 OF PCT/US98/02702 02/06/1998

WHICH CLAIMS THE PRIORITY OF 08/798,508 02/10/97,

Foreign Applications

NOW U.S. PAT. NO. 5,837,861 AND

08/797,472 02/06/97, NOW U.S. PAT.

NO. 5,900,407.

If Required, Foreign Filing License Granted 01/25/2002

Docket Department

File _____

Action Req For Corr Filing Rec

Due Date 02-28-02

W/Ext's (Soft date)

Initials ICM

02-07-02

FPI4

Projected Publication Date: 05/09/2002

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Certain dinucleotides and their use as modulators of mucociliary clearance and ciliary beat frequency

DOCKETED FPI4 2/7/02
 (CT)

1623
FILE COPY
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/007,451	11/06/2001	RECEIVED William M. Bergast	03678.0022.CNUS02

27194
 HOWREY SIMON ARNOLD & WHITE, LLP
 BOX 34
 301 RAVENSWOOD AVE.
 MENLO PARK, CA 94025

JAN 29 2004
 TECH CENTER 1600/2900

CONFIRMATION NO. 3706



OC000000011743214

Date Mailed: 01/22/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT
Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- A claim for priority cannot be made based on an application filed after the application making the claim.
- Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

Ruth BERTCH

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY